

Docket No.: 1614.1360

Serial No. 10/647,250

**REMARKS****STATUS OF CLAIMS**

Claims 1-13 are pending herein and all thereof are rejected.

Reconsideration is respectfully requested.

**CLAIMS 1-13 STAND REJECTED UNDER 35 U.S.C. §103(A) AS BEING UNPATENTABLE OVER ARAKAWA IN VIEW OF TAMPIERI (U.S. PATENT 6,366,283)**

The rejection is respectfully traversed.

Arakawa discloses a technique to generate detailed mesh data by obtaining sectional configuration. Unlike the present invention, however, Arakawa does not disclose simplification of configuration and reduction in the number of divided meshes for reducing the amount of data. The Examiner admits to same, stating on page 2 of the Office Action that "Arakawa fails to teach the reduction of cube elements by combining cube elements."

The Examiner accordingly relies on Tampieri, as allegedly illustrating "combining cell elements in FIG. 6, and describes this combination in col. 7, lines 19-29." Contrary to the Examiner's interpretation of the reference, Tampieri discloses a technique concerning radiosity (see e.g., col. 7, lines 40-43), which is a 3D graphics image rendering method, - - and is irrelevant to the present invention.

FIG. 6 and, col. 7, lines 19-29 of Tampieri merely disclose a configuration where mesh element sizes (the numbers of mesh elements) are set hierarchically, based on the magnitude of the interaction between walls, in order to reduce the computational overhead of the interaction while maintaining good image quality. There is no combining of mesh elements. Tampieri is totally different from the method and program of the present invention, wherein cube elements are combined in accordance with a predetermined condition. That is, Tampieri neither discloses nor suggests reducing the number of mesh elements by combining once set mesh elements in accordance with a predetermined condition.

Accordingly, even if Arakawa and Tampieri were properly combinable, the resulting in combination could not achieve the results available by the present invention.

**LACK OF PRIMA FACIE DEMONSTRATION OF OBVIOUSNESS OF THE COMBINATION**

It is respectfully submitted that the Action is devoid of any demonstration of *prima facie* obviousness of the combination of the two references.

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More particularly, the contentions of such obviousness, appearing at page 3, the 5<sup>th</sup> line, through page 4, merely relies on the insufficient contention that "it would have been obvious to one of ordinary skill in the art to combine...."

The deficiency of Arakawa is noted above.

Tampieri, on the other hand, is cited as describing "combining cell elements in FIG. 6..." described in col. 7, lines 19-29. However, col. 7, lines 19-29 relates only to dividing a wall as seen in FIG. 6 into a large number of small elements, such as elements 608 and 609 also characterized as "mesh elements" - - but never as "cube data". Further, Tampieri does not teach "combining a smaller elements of the formed cube data into larger elements...while reducing the amount of mesh data and computation time" - - but rather creates a hierarchical arrangement of concentrated, smaller mesh elements, as in the corner structure at 608 of FIG. 6, and larger mesh elements, at distances displaced from the intersection of the two walls, as at 609 (see col. 7, lines 19-25). This approach overcomes that shown at 604 in FIG. 6, in which each wall is "divided into substantially more mesh elements" (col. 7, line 6-7). The deficiency in that approach is that "while the level of meshing has been increased where this is important, close to the intersection of the walls, it as also been increased unnecessarily in other areas." Thus, Tampieri does not combine "smaller elements of the formed cube data into larger elements" but, instead, in the example of FIG. 6, divides the walls into mesh elements by a hierarchical approach in which a larger number of smaller elements are formed in an important area, such as the intersection of the two walls shown at 608, relatively to the division into the smaller number of larger elements at locations removed from the corner.

More significantly, however, the two references teach altogether different techniques, and the Action is silent as to how to implement a combination of the two. The Action alleges, in the sentence spanning pages 3 and 4, that the combination would achieve improved results relative to either taken separately - - while not citing a basis in either of the references, individually, of motivation to make that combination.

Accordingly, the combination relied upon is altogether deficient under MPEP 2143.2143.03.

Accordingly, it is submitted that claims 1 and 13 are patentable over Arakawa and Tampieri, taken singularly or in any proper combination.

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**REJECTION OF CLAIM 3 UNDER 35 U.S.C. §101 FOR ALLEGEDLY CONTAINING NON-STATUTORY SUBJECT MATTER**

This rejection is respectfully traversed.

The rejection is not explained, which in itself renders the rejection deficient. The Examiner on the other hand offers a suggestion for overcoming the rejection which relates to amending the preamble to recite a program "to be embodied in a computer readable media for causing the computer to execute...."

Accordingly, the rejection under §101 is based solely on the claims allegedly, as a whole, not being "within the technological arts...."

This ground of rejection has been withdrawn in accordance with *Ex parte Lundgren*, Appeal No. 2003-2088 (Precedential BPAI Opinion September 2005) cited in the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" at page 45.

**CONCLUSION**

It is respectfully submitted that all of the pending claims are patentably distinguish over the references and rejections of record and that the §101 rejection is no longer proper. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.


Respectfully submitted,

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